

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1, 3-7, 10, 26-31, 33, and 35-38 were pending in the present application. By way of this submission, claims 29 and 37 are cancelled without prejudice or disclaimer. Accordingly, claims 1, 3-7, 10, 26-28, 30, 31, 33, 35, 36, and 38 are now pending in the present application. Claims 1, 33, and 35 are independent. The remaining claims depend, either directly or indirectly, from claims 1 and 35.

Claim Amendments

By way of this submission, claims 1, 33, and 35 are amended for clarification. Applicant respectfully asserts that no new matter is introduced by way of these amendments, as support for these amendments may be found, for example, in paragraphs [0020], [0029], [0033], and [0034] of the originally filed specification, in FIG. 1 and FIG. 2, and in the originally filed claims.

Specification Amendments

By way of this submission, paragraph [0015] of the instant Specification is amended to correct a typographical error. Applicant respectfully asserts that no new matter is introduced by way of this amendment as support for this amendment may be found, for example, in FIG. 2.

Specification Objection

The Examiner objects to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner contends that the term “master-

less routing policy” is not present in the original disclosure. *See* Action at page 3. Applicant respectfully disagrees with the Examiner’s contentions. Specifically, Applicant respectfully asserts that the term “master-less routing policy” may be found in at least paragraph [0020] (see last line of the paragraph) of the originally filed specification. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1, 29, 33, and 37 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. By way of this submission, claims 29 and 37 are cancelled and thus the rejection is moot as to those claims. As for remaining claims 1 and 33, for the reasons set forth below, this rejection is respectfully traversed.

The Examiner contends that the instant Specification does not describe a system in which a first node is configured to route traffic or use a “master-less” routing policy. *See* Action at page 3. Applicant respectfully disagrees with the Examiner’s contentions. Specifically, Applicant respectfully asserts that the instant Specification describes a node (*e.g.*, the first node) having a router with functionality to forward data from one node to another node. Further, the instant Specification also describes the routing protocol of the router is designed to operate *without* requiring a master node to control the routing within the system. Further still, the instant Specification explicitly discloses the router implements a master-less routing policy. *See, e.g.*, paragraphs [0020], [0029], [0033], and [0034] of the instant Specification. Thus, contrary to the Examiner’s contentions, the instant Specification does describe a system in which a first node is configured to route traffic and/or use a “master-less” routing policy. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1, 3-7, 10, 26-31, 33, and 35-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0010783 (hereinafter “Primak”) in view of U.S. Patent Publication No. 2005/0125487 (hereinafter “O’Connor”). By way of this submission, claims 29 and 37 are cancelled and thus the rejection is moot as to those claims. As for the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1395-97 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. *See* MPEP § 2143. In the Action, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. § 103, has described the various claimed elements taught and not taught by Primak. *See* Action at pages 3-10. Further, the Examiner has described the various claimed elements taught by O’Connor, which are not taught by Primak. *Id.* The Examiner then concludes by asserting that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Primak and O’Connor. *Id.*

Using the above rationale, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” *See* MPEP § 2143(A). Applicant respectfully submits that the Examiner has failed to do so.

If the Examiner does not produce a *prima facie* case, Applicant is under no obligation to submit evidence of non-obviousness. The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and Applicant from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention. *See* MPEP § 2142.

Primak teaches a system having multiple servers in a server cluster. A request from a client computer may be received by all of the servers. However, only one server accepts the request based on the connection value of the request. The remaining servers reject/ignore the request. *See* Primak at paragraphs [0014], [0015], [0030], and [0031]. Primak also teaches the redirection of client requests. Specifically, once a connection exists between the client and a server (*i.e.*, original server), the original server may determine a new server better suited to handle the content requested by the client. Accordingly, the original server may redirect the client connection to the new server. *See* Primak at paragraphs [0034]-[0039].

The Examiner contends that Primak teaches a plurality of nodes (*i.e.*, servers). *See* Action at page 4. However, Applicant respectfully asserts that Primak fails to teach a plurality of nodes housed within a single computer, as recited by the amended independent claims. In view of the above, Primak's nodes are individual servers located within a server cluster and connected by means of a router. In other words, Primark's nodes (*i.e.*, servers) are separate computers and thus cannot be housed within a single computer. This squarely contradicts what is recited by the amended independent claims. Accordingly, Primark fails to disclose or render obvious each and every limitation of the amended independent claims.

The Examiner contends that O'Connor teaches each node may be a contact center. *See* Action at page 5. Even assuming *arguendo* that the Examiner's contentions are proper,

Applicant respectfully asserts that O'Connor, like Primak, fails to teach a plurality of nodes housed within a single computer, as recited by the amended independent claim. Accordingly, O'Connor fails to disclose or render obvious each and every limitation of the amended independent claims. Moreover, O'Connor does not cure what Primak lacks.

In view of the above, the Examiner's contentions and the cited prior art references do not support a rejection of amended independent claims 1, 33, and 35. Claims 3-7, 10, 26-28, 30, 31, 36, and 38, depend, either directly or indirectly from independent claims 1 and 35. Accordingly, the Examiner's contentions and the cited prior art references also do not support a rejection of claims 3-7, 10, 26-28, 30, 31, 36, and 38, and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this submission is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33226/358001).

Dated: November 19, 2009

Respectfully submitted,

By /Robert P. Lord/
Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
3945 Freedom Circle, Suite 300
Santa Clara, California 95054
(408) 727-0600
(408) 727-8778 (Fax)
Attorney for Applicant